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REMARKS/ARGUMENTS

Claims 10 and 11 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for lack of antecedent basis for the limitation "said doll".

Claims 1, 2, 7, 9, 10, and 12 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4,347,683 to Maxim ("Maxim").

Claims 3 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of United States Patent No. 5,989,091 to Rodgers ("Rodgers").

Claims 4 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over FIGS. 12 and 13 of Maxim in view of FIG. 7 of Maxim.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim.

Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of United States Patent No. 5,738,526 to Cerda et al. ("Cerda et al.").

Claims 13, 14, 16, 19, 20, 22, and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of United States Patent No. 5,040,415 to Barkhoudarian ("Barkhoudarian").

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of Barkhoudarian and further in view of United States Patent No. 6,790,121 to Llorens ("Llorens").

Claims 17 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of Barkhoudarian and further in view of FIG. 7 of Maxim.

Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of Barkhoudarian and further in view of Rodgers.

Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Maxim in view of Barkhoudarian and further in view of Cerda et al.

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Claims 1-24 have been amended to overcome these rejections, to correct typographical errors, to correct antecedence, and/or to better define the invention. No new matter has been entered by these amendments. Consequently, the Examiner is respectfully requested to consider the amended claims in view of the following comments.

As recited in amended claim 1, one aspect of the Applicant's invention is directed toward a device comprising:

a plurality of conductive probes;

a control unit coupled to said probes; and

a power source to supply said control unit with power;

wherein at least one pair of said probes is activated when bridged by a conductive liquid to form a closed circuit, said control unit registers activation of said at least one pair and said control unit is adapted to actuate at least one pre-determined response, said response being dependent on a sequence in which the at least one pair is activated.

As recited in amended claim 7, another aspect of the Applicant's invention is directed toward a toy comprising:

a body having a cavity formed therein ;

at least one aperture in the body that allows for the movement of a conductive liquid from the exterior of said body into said cavity;

a device housed within said cavity having: a plurality of conductive probes; a control unit coupled to said probes; and a power source to supply said control unit with power;

wherein at least one pair of said probes is activated when bridged by the conductive liquid to form a closed circuit, said control unit registers activation of said at least one pair and said control unit is adapted to actuate at least one pre-determined response, said response being dependent on a sequence in which the at least one pair is activated.

As recited in amended claim 13, another aspect of the Applicant's invention is directed toward a device comprising:

a conduit having an opening at each of first and second ends for receiving a conductive liquid;

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a plurality of conductive probes disposed within said conduit;
a control unit coupled to said probes; and
a power source to supply said control unit with power;
wherein at least one pair of said probes is activated when bridged by said conductive liquid to form a closed circuit, said control unit registers activation of said at least one pair and said control unit is adapted to actuate at least one pre-determined response, said response being dependent on a sequence in which the at least one pair is activated.

And, as recited in amended claim 20, another aspect of the Applicant's invention is directed toward a toy comprising:

a body having a cavity formed therein;
first and second apertures in the body associated with said cavity;
a device housed within said cavity having: a conduit for receiving a conductive liquid disposed between said first and second apertures; a plurality of conductive probes disposed within said conduit; a control unit coupled to said probes; and a power source to supply said control unit with power;
wherein at least one pair of said probes is activated when bridged by said conductive liquid to form a closed circuit, said control unit registers activation of said at least one pair and said control unit is adapted to actuate at least one pre-determined response, said response being dependent on a sequence in which the at least one pair is activated.

The Applicant believes that amended Claims 1, 7, 13, and 20 are patentable over Maxim, Rodgers, Cerda et al., Barkhoudarin, and Llorens as these references do not teach or suggest the subject matter of amended Claims 1, 7, 13, and 20. In addition, the Applicant believes that amended Claims 2-7, 8-12, 14-19, and 21-24, being dependent on amended Claims 1, 7, 13, and 20, respectively, are also patentable over the cited references.

In particular, Maxim discloses hard-wired probe pairs (see items 1, 2, and 3 in FIG. 12 of Maxim) which generate responses based on the individual activation of each probe pair. Each probe pair 1, 2, 3 in Maxim consists of first and second predetermined probes. The hard-wired

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nature of the probe pairs in Maxim is evident from FIGS. 7 and 8 which do not include any circuitry for identifying a sequence of operation.

In contrast, the Applicant's invention includes a number of individual probes (see items 8, 9, 10, and 11 in FIG. 2 of the present application). When two of these probes (e.g., 8 and 9, 9 and 10, 10 and 11, 8 and 10, 8 and 11, etc.) are connected through a conductive liquid the two probes form an activated pair. This pair is sensed by the control unit which generates a response based on the sequence in which the pair is activated relative to other activated pairs. For example, if a pair consisting of probes 8 and 9 is activated a first response is generated. If a pair consisting of probes 9 and 10 is activated, a second response is generated. If the pair consisting of probes 9 and 10 is then deactivated while the pair consisting of probes 8 and 9 is still activated, then a third response is generated. Thus, the generation of first, second, and third responses depends on the sequence in which pairs of probes are activated rather than just on which probe pair was activated. Hence, the present invention is fundamentally different from Maxim where the response generated simply depends on which probe pair (again consisting of two predetermined probes) happens to be activated at a given time.

Thus, Maxim does not teach or suggest those elements of amended Claims 1, 7, 13, and 20 which recite: "a plurality of conductive probes..." and "wherein at least one pair of said probes is activated when bridged by said conductive liquid to form a closed circuit, said control unit registers activation of said at least one pair and said control unit is adapted to actuate at least one pre-determined response, said response being dependent on a sequence in which the at least one pair is activated".

With respect to amended Claim 2, Maxim does not teach or suggest deactivation of those elements of amended Claim 1 noted in the preceding paragraph.

With respect to amended Claim 3, Maxim and Rodgers do not teach or suggest that element of amended Claim 3 which recites: "...and wherein said device is adapted for mounting in an enclosure having an opening for receiving said conductive liquid". The probes (see items 11 and 13 of FIG. 1 of Rodgers) are mounted on the bottom of a bathtub duck toy. This toy is not adapted for mounting in an enclosure having an opening for receiving a conductive liquid.

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With respect to amended Claims 9 and 10, FIG. 13 of Maxim does not show a device dividing a cavity in the body of a toy into two liquid impervious compartments. Rather, FIG. 13 of Maxim shows a reservoir in a doll 120 which is connected to the exterior of the doll with tubes 4, 6.

With respect to amended Claims 11 and 23, FIG. 13 of Maxim does not show a device dividing a cavity in the body of a toy into two liquid impervious compartments. Rather, FIG. 13 of Maxim shows a reservoir in a doll 120 which is connected to the exterior of the doll with tubes 4, 6. In addition, FIGS. 1 and 2 of Cerda et al. do not show a toy with first and second compartments.

With respect to amended Claim 13 and 20, the Examiner states the following on page 5 of the Office Action:

“Regarding claims 13 and 20, Barkhoudarian further teaches in col. 1, par. 2 that it is known in the prior art to have ‘probes mounted to extend through ports in a flow conduit into direct contact with the fluid flow.’ It would have been obvious to one having ordinary skill in; the art at the time the invention to dispose the probes of Maxim in the conduit as taught by Barkhoudarian for the purpose of monitoring the flow parameters of the liquid in the toy.”

The Applicant respectfully points out that the full sentence (i.e., col. 1, lines 22-26 of Barkhoudarian) referred to by the Examiner reads as follows: “However, in general, these prior art devices and methods for monitoring fluid flows have utilized invasive temperature and/or pressure probes mounted to extend through ports in a flow conduit into direct contact with the fluid flow stream.” Thus, the sensors referred to at this point in Barkhoudarian are temperature and pressure probes. Moreover, as stated in its abstract, Barkhoudarian is directed toward a “nonintrusive flow sensing system” that includes “an array of ultrasonic transducers”.

Thus, Barkhoudarian does not teach or suggest the use of “conductive probes” as recited in amended Claims 13 and 20 of the present application. Furthermore, the combination of Maxim and Barkhoudarian does not teach or suggest those elements of amended Claims 13 and 20 which recite: “a plurality of conductive probes...” and “wherein at least one pair of said probes is activated when bridged by said conductive liquid to form a closed circuit, said control unit registers activation of said at least one pair and said control unit is adapted to actuate at least one

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pre-determined response, said response being dependent on a sequence in which the at least one pair is activated".

With respect to amended Claim 15, Maxim, Barkhoudarian, and Llorens do not teach or suggest that element of amended Claim 15 which recites: "...wherein said conduit further comprises a reservoir disposed between said first and second ends for storing said conductive liquid, a valve disposed between said reservoir and said second end to empty said reservoir, and a section coupled between said reservoir and said second end for providing an alternate path for said conductive liquid." The three-ended pneumatic tube 44 shown in FIG. 1 of Lloren has a first end that terminates at a non-return valve 68, a second end that terminates at an elastic bellows 51, and a third end that terminates at an outlet valve 45.

To conclude, the Applicant believes that amended Claims 1, 7, 13, and 20 are patentable over the cited references as these references do not teach or suggest the subject matter of amended Claims 1, 7, 13, and 20. In particular, the cited references do not teach or suggest those elements of amended Claims 1, 7, 13, and 20 which recite: "a plurality of conductive probes..." and "wherein at least one pair of said probes is activated when bridged by said conductive liquid to form a closed circuit, said control unit registers activation of said at least one pair and said control unit is adapted to actuate at least one pre-determined response, said response being dependent on a sequence in which the at least one pair is activated". In addition, the Applicant believes that amended Claims 2-7, 8-12, 14-19, and 21-24, being dependent on amended Claims 1, 7, 13, and 20, respectively, are also patentable over the cited references.

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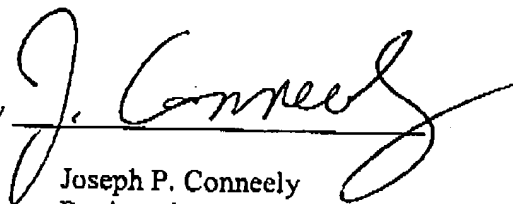
The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

OGILVY RENAULT LLP

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By

A handwritten signature in black ink, appearing to read "J. Conneely", written over a horizontal line.

Joseph P. Conneely
Registration No. 54,883
Telephone: (416) 216-2993
Fax: (416) 216-3930

OGILVY RENAULT
1981 McGill College Avenue
Suite 1600
Montreal, Quebec, Canada
H3A 2Y3